

# Abstract

## **The US Supreme Court, its formation and first key decisions**

The thesis offers an insight of an era in which the Supreme Court of United States was founded and established itself as one of the major government institutions as well as a strong powerhouse of American politics. Essential for understanding of the future importance and role of the Court is to perceive not only its own early history but also an understanding of broader context concerning a development of the early American society as a whole. The thesis based on this implied layout consists of three main chapters.

The first attempts to grasp a vast set of conditions which served, each to a different extent, as an inspirational background influence for the Founders in the creation of an American statehood. The natural rights philosophy, a product of the Age of Enlightenment, introduced by the work of John Locke set a foundation for American political thinking. The natural rights approach gloriously manifested itself in the Declaration of Independence (1776) and from then on runs as a red thin line throughout the entire legal history of United States. The Founders in the creation of a new American order amalgamated their knowledge of past human endeavors in various state systems and social structures into a constitutional based system of representative democracy. The first chapter in order to follow the main subject of the thesis tries to describe at least in a general outline the complicated system of judicial power both British and colonial as well as the judicial system under the Articles of Confederation. The development of Pre-Constitution judiciary although in various forms serves us as evidence that some kind of institutions with authority to decide legal disputes in appellate jurisdiction existed during this area and that the later introduction of the Supreme Court was not entirely alien to the American society. The conclusion of the first chapter offers a look of what American law is where its roots are and how it was influenced by English common law.

Second chapter deals with creation and ratification of the Constitution of United States emphasizing primarily the formation of system of separated powers and the role of federal judiciary as well as the system of coexistence between federal government and individual states. This is followed by the famous disputes between the Federalists and their opponents to illustrate conflicting perceptions of future role of federal judicial branch. The conflict between

these two groups gave birth to a two political party system and their subsequent quarrels in which the Supreme Court played important role.

The last chapter which represents the core of the thesis focuses on the early years of existence of the Supreme Court. The chief justice John Marshall devoted follower of federalist approach through his tireless efforts saved the Court from intentions of many to weaken its position in respect to other branches of federal government. Decision in *Marbury v. Madison* established the power of judicial review which contributed to emancipation of the Court as an independent institution a positioned it to a role of a guardian of the Constitution. The subsequent decisions in *McCulloch v. Maryland*, *Gibbons v. Ogden*, *Dartmouth College v. Woodward* brought to life some key constitutional principles such those contained in commerce clause, contract clause and the necessary and proper clause of the Constitution. In conclusion the early history of the Supreme Court and its initial key decisions laid foundations for its future significant role in American legal sphere as well as in politics. Through these precedents functioning as a source of law in American legal system this era became a living history of the United States which in many respects influences the life of American society to the present days.